UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:24-cv-111-MOC-WCM

CODY SURRETT, d/b/a JENNFER RAYFIELD,)	
Plaintiff,)	
v.)	ORDER
MARTIN J. O'MALLEY,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff's motion for an award of attorney's fees, expenses, and costs pursuant to the Equal Access to Justice Act. (Doc. Nos. 8, 9).

Defendant has consented to the motion.

The motion is **GRANTED**. It is hereby **ORDERED** that Plaintiff, on behalf of Jennifer Rayfield, is awarded attorney's fees in the amount of \$3,000.00 and \$405.00 in costs. Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award

¹ Costs are paid from the Judgment Fund by the Department of the Treasury, if so ordered by the Court under 31 U.S.C. § 1304. <u>See</u> 28 U.S.C. § 2412(c)(1).

remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Cody Surrett, on behalf of Jennifer Rayfield, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

Signed: November 18, 2024

Max O. Cogburn Jr United States District Judge

2